

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JESSE J. WALTON, #239393,

Plaintiff,

No. 05-70363

v.

District Judge Denise Page Hood

TERRENCE REED,

Magistrate Judge R. Steven Whalen

Defendants.

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**ORDER GRANTING MOTION FOR COUNSEL**

Plaintiff, a prison inmate in the custody of the Michigan Department of Corrections, has filed a *pro se* civil rights complaint pursuant to 42 U.S.C. § 1983. On September 26, 2007 the Court denied in part Defendant's Motion for Summary Judgment as to the Plaintiff's claim of excessive force regarding Defendant Terrence Reed. Summary Judgment was granted to Defendants as to Plaintiff's other claims.

Before the Court at this time is Plaintiff's Motion to Appoint Counsel [docket #85]. While, unlike criminal cases, there is no right to the appointment of counsel in civil cases, it is the practice of this Court to seek *pro bono* counsel in appropriate cases, specifically, where a claim has survived dispositive motions. This is such a case.

Therefore, Plaintiff's Motion to Appoint Counsel [docket #85] is **CONDITIONALLY GRANTED**, conditioned on the Court's success in finding counsel willing to undertake representation in this case.

SO ORDERED.

S/R. Steven Whalen  
R. STEVEN WHALEN  
UNITED STATES MAGISTRATE JUDGE

Dated: October 17, 2007

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing order was served on the attorneys and/or parties of record by electronic means or U.S. Mail on October 17, 2007.

s/G. Wilson  
Judicial Assistant